THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13673 OF 2007

Dated 28-06-2007

Between:

M/s Patel Engineering Company Limited …Petitioner

And

The Commercial Tax Officer, Hyderabad Circle and two others

…Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.13673 OF 2007

O R D E R ***(Per the Hon'ble Sri Justice Bilal Nazki):***

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The petitioner preferred appeal before the Sales Tax Appellate Tribunal along with stay application. The grievance of the petitioner is that pending disposal of the application for stay, the first respondent issued a notice dated 19-06-2007 demanding the petitioner to pay the disputed tax.

We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would be met if stay of demand of disputed tax is granted, pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we direct that 25 per cent of the disputed tax shall be paid by the petitioner, within a period of four weeks from today and another
25 per cent of the disputed tax shall be paid by him within a period of four weeks thereafter. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within the time scheduled above. The deposit of amount shall be without prejudice to the rights of the petitioner in the

appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount paid by the petitioner shall be given credit to.

The writ petition is accordingly disposed of. No costs.

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(Bilal Nazki, J)

Dated 28th June, 2007

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(S.Ananda Reddy, J)

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Note: **Issue wire at party's cost**

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